

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE: CHANTIX)	Master File No. 2:09-CV-2039 IPJ
(VARENICLINE) PRODUCTS)	
LIABILITY LITIGATION)	MDL No. 2092
)	
_____)	Judge Inge P. Johnson
)	
TANYA LEE O'NEILL)	
and JAMES MARTIN O'NEILL,)	
)	
)	
Plaintiffs,)	MASTER SHORT FORM
)	COMPLAINT FOR INDIVIDUAL
)	CLAIMS
)	
vs.)	Civil Action No.: _____
)	
PFIZER INC.,)	
)	
Defendant.)	
_____)	

MASTER SHORT FORM COMPLAINT
FOR INDIVIDUAL CLAIMS

1. Plaintiffs, Tanya Lee O'Neill and James Martin O'Neill, state and incorporate by reference the portions indicated below of Plaintiffs' Master Consolidated Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Alabama in the matter entitled *In Re: Chantix (Varenicline) Products Liability Litigation*, MDL No. 2092. Plaintiffs are

filing this Short Form Complaint as permitted by Pretrial Order No. 2 of this Court for cases filed directly into this district.

2. In addition to the below-indicated portions of the Master Consolidated Complaint adopted by the Plaintiffs and incorporated by reference herein, Plaintiffs hereby allege as follows:

VENUE

3. Venue for remand and trial is proper in the following federal judicial district:

Northern District of Florida at Tallahassee.

**IDENTIFICATION OF PLAINTIFFS
AND RELATED INTERESTED PARTIES**

4. Name and residence of individual injured by Chantix:

Tanya Lee O'Neill, Tallahassee, Florida, County of Leon.

5. Consortium Claims: The following individual alleges damages for loss of consortium:

James Martin O'Neill, Tallahassee, Florida, County of Leon.

6. Survival and/or Wrongful Death claims:

a. Name and residence of Decedent when [she/he] suffered

Chantix related injuries and/or death:

N/A

b. Name and residence of individual(s) entitled to bring the claims on behalf of the decedent's estate (e.g., personal representative, administrator, next of kin, successor in interest, etc.)

N/A

7. Survival and/or Wrongful Death Claim: The following individuals allege certain claims for damages for survival and/or wrongful death in accordance with applicable state law:

N/A

**CASE SPECIFIC FACTS
REGARDING CHANTIX USE AND INJURIES**

8. Plaintiff, Tanya Lee O'Neill, began using CHANTIX as prescribed and indicated on or about the following date: October 2007.

9. CHANTIX caused serious injuries and damages including but not limited to the following:

Depression; and anxiety with frequent and severe panic attacks.

**ALLEGATIONS, CLAIMS, AND THEORIES OF RECOVERY
ADOPTED AND INCORPORATED IN THIS LAWSUIT**

10. The Plaintiffs hereby adopt and incorporate by reference as if set forth fully herein, all common allegations contained in paragraphs 1 through 87 of the Master Consolidated Complaint on file with the Clerk of Court for the United

States District Court for the Northern District of Alabama in the matter entitled *In Re: Chantix (Varenicline) Products Liability Litigation*, MDL No. 2092.

11. The Plaintiffs hereby adopt and incorporate by reference as if set forth fully herein, the following damages and causes of action of the Master Consolidated Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Alabama in the matter entitled *In Re: Chantix (Varenicline) Products Liability Litigation*, MDL No. 2092:

- ☒ COUNT I (NEGLIGENCE);
- ☒ COUNT II (NEGLIGENCE PER SE);
- ☒ COUNT III (STRICT PRODUCTS LIABILITY – DESIGN DEFECT);
- ☒ COUNT IV (STRICT PRODUCTS LIABILITY - FAILURE TO WARN;
- ☒ COUNT V (BREACH OF EXPRESS WARRANTY);
- ☒ COUNT VI (BREACH OF IMPLIED WARRANTY);
- ☒ COUNT VII (FRAUDULENT MISREPRESENTATION AND CONCEALMENT);
- ☒ COUNT VIII (NEGLIGENT MISREPRESENTATION AND CONCEALMENT);
- ☒ COUNT IX (GROSS NEGLIGENCE);
- ☒ COUNT X (UNJUST ENRICHMENT);
- ☒ COUNT XI (PUNITIVE DAMAGES);

X COUNT XII (VIOLATIONS OF STATE CONSUMER
FRAUD AND DECEPTIVE TRADE PRACTICES ACTS);

 X COUNT XIII (LOSS OF CONSORTIUM);

 COUNT XIV (WRONGFUL DEATH);

 COUNT XV (SURVIVAL);

 X GLOBAL PRAYER FOR RELIEF;

 X TOLLING OF LIMITATION PERIOD;

 OTHER STATE LAW CAUSES OF ACTION AS FOLLOWS:

JURY DEMAND

Plaintiffs hereby demand a trial by jury as to all claims in this action.

Dated this the 9th day of April , 2011.

RESPECTFULLY SUBMITTED
ON BEHALF OF THE PLAINTIFFS

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